

Application No: 10/666,873

Docket No.: Q137-US5

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REMARKS**JAN 03 2007**

Claims 1-38 and 42-70 were previously canceled. Claims 39 and 79 are currently amended. Claims 40-41 were previously presented. Claims 71-78, and 80 are original. Accordingly, claims 39-41 and 71-80 are pending examination.

Elections/Restrictions

The Applicant does not make an election in this Amendment and has not made any elections in prior Amendments.

Rejection of Claims Under 35 USC §101

Claims 39-41 and 71-80 are provisionally rejected under 35 USC §101 as claiming the same invention as claims 20-28, 67, and 78-82 of co-pending Application No. 10/666,860 (the cited claims). MPEP §804.02 (I) provides that a rejection for the statutory type of double patenting is overcome when the claims are not coextensive.

Claim 39 of this application specifies that "a portion of a first electrode strip is positioned between the mandrel and the pin." However, claims 20-28, 67, 78, 78-80, and 82 of co-pending Application No. 10/666,860 have no such requirement and accordingly have a different scope. Additionally, claim 20 of copending Application No. 10/666,860 specifies "connecting a first end of a first-electrode strip to a pin." However, claims 39-41 and 71-78, and 80 of this application have no such requirement and accordingly have a different scope. As a result, the cited claims are "not coextensive in scope" with the pending claims. Since the cited claims are not coextensive in scope with the pending claims, the cited claims do not support a rejection for "same invention" type double patenting.

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CONCLUSION

The Examiner is encouraged to telephone or e-mail the undersigned with any questions.



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